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8 In re RONALD LEE CANADA,

9 No. C-12-3363 TEH (PR)

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12 ORDER RE-OPENING CASE AND RE-
13 SENDING CLERK'S NOTICES RE:
14 FILING COMPLAINT AND COMPLETING
15 IN FORMA PAUPERIS AFFIDAVIT OR
16 PAYMENT OF FILING FEE

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18 Plaintiff Ronald Lee Canada commenced this action when he
19 filed a one-page letter with the Court on June 28, 2012, complaining
20 of conditions at California Correctional Institution in Tehachapi,
21 California. Doc. #1. On June 28, 2012, the Court sent Plaintiff
22 two notices. The first instructed him to file a complaint and the
23 second notified him that he must complete his in forma pauperis
24 (IFP) application. The notices warned Plaintiff that if he did not
25 comply with them within thirty days, his case would be dismissed.
26 Thirty days passed and Plaintiff did not comply with the notices.
27 On August 9, 2012, the Court dismissed Plaintiff's action without
28 prejudice for failure to file a complaint.

1 On September 28, 2012, Plaintiff sent a letter to the
2 Court stating that he had been transferred to Pelican Bay State
3 Prison (PBSP) and that his legal papers had not been forwarded to
4 him from his former prison. The Court notes that its two notices
5 and Order of Dismissal were sent to Plaintiff's former prison and
6 not to PBSP and, thus, Plaintiff may not have received them.

7 Therefore, in the interests of justice, the Court re-opens
8 this case to give Plaintiff an opportunity to respond to the notices
9 regarding the filing of a complaint and the completion of his IFP
10 application. The Clerk of the Court shall send to Plaintiff this
11 order and re-send the notices allowing Plaintiff thirty-days from
12 the date of this Order to comply with the notices.

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15 IT IS SO ORDERED.

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17 DATED

11/07/2012



18 THELTON E. HENDERSON
19 United States District Judge

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